

Message Text

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DRAFTED BY L/OES:RJBETTAUER:MMP

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

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E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: LETTER FROM H. GARY KNIGHT

REF: USUN 3498

1. WHILE DEPT READY TO CONCUR WITH RESPONSE SUGGESTED
PARA 2 OF REFTEL, WE SUGGEST IT MIGHT BE MORE APPROPRIATE
TO GIVE KNIGHT STRAIGHTFORWARD ANSWER THAT NO SUCH LEGAL
MEMORANDUM EXISTS.

2. F.Y.I.: WHILE A BRIEF MEMORANDUM OF LAW WAS RECENTLY
DONE AS TAB FOR CIRCULAR 175 ACTION MEMORANDUM, NO REPEAT
NO MEMORANDUM OF LAW WAS DONE IN CONNECTION WITH LEARSON
LETTER TO KNIGHT OF JULY 21. KNIGHT'S NEW LETTER SAYS
LEARSON LETTER MADE STATEMENT THAT "LEGAL ADVISER'S OFFICE
ADVISED...THAT...SIGNATURE OF LOS TREATY WOULD NOT CARRY
ANY LEGAL IMPLICATIONS." THIS IS A MISQUOTATION. LEARSON
LETTER SAID ONLY THAT THE MAY 12 KNIGHT LETTER HAD BEEN
EXAMINED IN L AND "THEY TELL ME THAT THEIR REVIEW OF
THE RELEVANT AUTHORITIES DOES NOT SUPPORT THE CONCLUSIONS
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EXPRESSED" IN THE LETTER. WE NOTE THAT IN A LETTER TO

SENATOR PELL OF JULY 27 WE SAID:

QUOTE: I AM ADVISED BY THE OFFICE OF THE LEGAL

ADVISER THAT SIGNATURE OF THE LOS CONVENTION WILL NOT
ENTAIL THE CONSEQUENCES MR. KNIGHT LISTS. THE OBLIGATIONS
EMBODIED IN THE LOS CONVENTION WILL ONLY BECOME BINDING
UPON THE ENTRY INTO FORCE OF THE CONVENTION, THE CONDITION
PRECEDENT TO WHICH IS THE DEPOSIT OF THE REQUISITE NUMBER
OF RATIFICATIONS. SIGNATURE OF THE CONVENTION CARRIES
WITH IT ONLY THE OBLIGATION TO REFRAIN FROM ACTIONS WHICH
WOULD DEFEAT "THE OBJECTIVE AND PURPOSE" OF THE TREATY.
NONE OF THE HIGHLY SPECULATIVE SCENARIOS SKETCHED BY
MR. KNIGHT INVOLVES U.S. ACTS OR OMISSIONS WHICH WOULD
NECESSARILY HAVE THIS EFFECT. END QUOTE. ROBINSON

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